

Schedule of Fees, Local Civil Rules, United States District Court for the District of New Jersey¹⁷), or submit an IFP application as plaintiffs to a civil action.

Finally, to the extent that this Court perceives that Petitioners are pursuing civil claims apart from habeas, any such claims are subject to judicial screening under 28 U.S.C. § 1915A. Under 1915A screening, any putative claims in the Petition must be dismissed for failure to state a claim upon which relief can be granted. 28 U.S.C. § 1915A(b)(1); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). For example, Petitioners reference the Rehabilitation Act, a federal disability discrimination law, but make no attempt whatsoever to plead a claim under this statute. Claims under 29 U.S.C. § 794 require pleading that the plaintiff has a disability; is qualified for a benefit as part of a federally-funded program; and was denied that benefit by reason of his disability. *Baxter v. Pa. Dep't of Corr.*, 661 F. App'x 754, 757 (3d Cir. 2016). No such pleading exists here.

CONCLUSION

For the foregoing reasons, Respondent asks that this Court dismiss the Petition or, alternatively, deny it on the merits.

Respectfully submitted,

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¹⁷ Available at: <https://www.njd.uscourts.gov/sites/njd/files/APPKRevised.pdf> (last visited Feb. 5, 2021).